

# Commercial Motor Vehicle

## Enforcement Quarterly



### Captain's Corner

Captain Robert R. Powers, Jr.

On June 16, 2004, Mr. Terry Meeks of the National Automotive Sampling System (NASS) Crash Research Team presented a Certificate of Appreciation to the Michigan State Police Motor Carrier Division for, "Outstanding Performance and Cooperation with National Highway Transportation Safety Administration (NHTSA) Research Teams During the Large Truck Crash Causation Study."

The NASS Large Truck Crash Causation Study is a national two-year study that seeks to collect and analyze detailed, in-depth data on fatal crashes involving a commercial motor vehicle. During the data collection phase of the study, motor carrier officers responded to the scene of fatal truck crashes in three Michigan counties; Genesee, Muskegon, and Washtenaw, where they conducted comprehensive vehicle inspections, reviewed driver hours of service records, and checked driver credentials and other documents. The data collected during the 2001-2003 study will now be analyzed to identify crash causation trends and other relevant information that will be used nationwide to develop crash prevention strategies. The final report is expected to be released early next year.

While presenting the Certificate of Appreciation to Capt. Robert Powers, Commanding Officer of the Motor Carrier Division, Mr. Meeks noted that "The knowledge, skills and professionalism displayed by members of the Motor Carrier Division was a valuable asset in this study and in the U.S. Department of Transportation's mission to save lives."

Mr. Terry Meeks presents the Certificate of Appreciation to the Motor Carrier Division Commander, Capt. Robert R. Powers, Jr.



Continued on page 4

## SECTIONS

*Captain's Corner*  
*Certificate of Appreciation*  
*Presenation.....1-4*

*Inspections*  
*Act 181 Clmitations.....2-3*

*Remtinder Box*  
*Reminders.....6*

*Size and Weight*  
*Agricultural Commodities*  
*and Public Utilities.....3-4*

*Vehicle Code*  
*Use of Out of State*  
*Plates.....5-6*

*SPECIAL*  
*Survey.....7*

## Act 181

In 2000, Act 181 was amended to limit the impact of citations issued by local police departments. Specifically, Section 480.21(5) was added that states:

“(5) The owner or operator of a commercial motor vehicle shall not be issued more than 1 citation for each violation of a code or ordinance regulating the operation of a commercial motor vehicle and substantially corresponding to a provision of sections 683 to 725a of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.725a, within a 24-hour period. If the owner or operator of a commercial motor vehicle is issued a citation by a township, city, village, or county for an equipment violation that does not result in the vehicle being placed out of service, the court shall dismiss the citation if the owner or operator of that commercial motor vehicle provides written proof to the court within 14 days after the citation is issued showing that the defective equipment indicated in the citation has been repaired.”

While this provision was discussed in the April 2003 edition of the CMV Enforcement Quarterly, it continues to confuse officers and court personnel.

An owner or operator of a commercial motor vehicle can be issued only one citation within 24 hours or the following violations, even if cited under a local ordinance or code:

Section Number	Subject
257.683	Driving a vehicle in an unsafe condition
257.684	Head lamps; lighting, distance, height
257.685	Head lamps; number; height; auxiliary, spot, or other lamps
257.686	Rear lamps; exemption; requirements for implement of husbandry; pickup camper
257.687	Special lamps for passenger buses, trucks and trailers.
257.688	Additional lights or reflectors on buses, trucks, tractors, trailers, implement of husbandry, or special mobile equipment
257.689	Clearance and marker lamps and reflectors; color
257.690	Reflectors, clearance lamps, and side marker lamps; mounting
257.691	Clearance and marker lamps and reflectors; visibility
257.692	Combination vehicles; obstructed lights, lighting requirements
257.693	Lamp or flag on projecting load
257.694	Parked vehicles; lighting
257.695	Minimum lighting for all vehicles
257.696	Spot lamps; fog lamps
257.697	Signal lamps or devices; exemption
257.697a	Sale or operation of certain vehicles unlawful; exception.
257.697b	Rear stop lamps
257.698	Flashing, oscillating, or rotating lights
257.698a	Vehicular traffic hazard; front and rear warning lamps
257.699	Multiple beam road lighting equipment
257.700	Multiple-beam road lighting equipment; oncoming traffic; intensity
257.701	Single-beam road-lighting equipment; intensity
257.703	Slow-moving vehicles; reduced lighting power
257.704	Special restriction as to direction of certain lights
257.705	Brakes.
257.705a	Brake fluid specifications
257.706	Horn or other warning device
257.707	Muffler, engine, power mechanism, and exhaust system
257.707a	Definitions used in §§ 257.707a to 257.707e.

continued on page 3

Section Number	Subject
257.707b	Exhaust system; requirements
257.707c	Noise limitations; prohibitions
257.707d	Violations; penalties; liability; prima facie evidence
257.708	Mirrors.
257.708a	Windshields; goggles, eyeglasses, or face shields
257.708b	Equipping motor vehicle with means of visually receiving television or video broadcast viewable by driver prohibited
257.709	Windshields and windows; prohibitions; rearview mirrors; exceptions; windshield wipers; exemption; hot air windshield defroster or electrically heated windshield or other device; windshield washer; definitions
257.710	Tires; studs or other traction devices
257.710a	Safety belts and restraining devices
257.710b	Safety belts; bolts and brackets
257.710c	Bumpers; height limitations; lift blocks; prohibited modifications
257.710e	Safety belt required; driver or passenger to which section inapplicable; transporting child 4 years of age but less than 16 years of age; enforcement of section; violation as evidence of negligence; reduction of recovery for damages
257.711	Safety glass required; safety plastic on buses
257.714a	Commercial vehicles; mud flap requirement
257.714b	Fuel systems.
257.716	Size, weight, and load limitations; exceptions
257.717	Maximum permissible width
257.718	Width of load carried on passenger type vehicle
257.719	Height of vehicle
257.719a	Operation of towing vehicle to which mobile home attached
257.719b	Certain mobile homes transported in lower peninsula
257.719c	Truck and semitrailers used for transporting passengers
257.720	Tarping/Insecure load/Spilling
257.721	Passenger vehicle or pickup truck towing vehicle or trailer; drawbar or other connection; coupling devices and safety chains; pickup truck with fifth wheel assembly
257.722	Maximum axle load; frost laws
257.722a	Transporting flammable liquid; violation as misdemeanor
257.723	Trucks or truck tractors and wreckers; identification requirements
257.724	Stopping vehicle for weighing; shifting or removing load; civil fine
257.725	Special permit for certain vehicles and loads required; fees

Sections not related to CMVs have been omitted.

Any local ordinance that corresponds to one of these statutes is subject to the one citation per CMV in a 24-hour period.

### Agricultural Commodities and Public Utilities

Agricultural commodities and public utilities are provided three exceptions to Michigan's weight laws.

The first exception is found in Section 257.722(4). This

subsection allows a 5-axle truck tractor and semitrailer combination with 2 consecutive sets of tandems (a "tandem-tandem") to operate at 80,000 lbs. to pick up or deliver agricultural com-

modities between the national truck network or special designated highways and any other highway. The normal loading maximums in (1), (2), and (3) do not apply to this vehicle when operating under the parameters of this provision.

## Agricultural Commodities, cont.

The provision limits each axle of the tandem to 17,000 lbs., and requires that the distance from the first axle of the front tandem to the back axle of the rear tandem be at least 36'. No other axle can be within 9 feet of the tandem. This exception is not valid during seasonal weight restrictions ("frost laws"). Current statute requires this subsection to expire on December 31, 2006.

The second exception is found in Section 257.722(5), which allows any person transporting agricultural commodities or a public utility to obtain a permit to operate at normal weights on a local road during seasonal weight restrictions. This permit is issued by the county road commission or other authority, and must be applied for not less than 48 hours before the move. This provision does not apply to state highways or interstate freeways.

The term "public utility" is not defined in Act 300, and apparently it is left to the authority issuing the permit to determine what operations are to be considered a public utility.

Subsection (12) defines "agricultural commodities" as "...those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee

products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, mushrooms, fertilizer, livestock bedding, farming equipment, and fuel for agricultural use. The term "agricultural commodities" shall not include trees and lumber."

The third exception, located in subsection (8), makes additional provisions for milk haulers. The Michigan Department of Transportation or the local authority having jurisdiction may enter into agreements with milk haulers, or issue them permits to operate at normal weights during seasonal weight restrictions. While it is strongly recommended that they do so, the statute does not specify that the permit has to be carried in the vehicle.

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## Captain's Corner cont..

I am pleased to report some fantastic news regarding commercial vehicle safety in Michigan. Recently released preliminary CMV crash data for 2003 shows a very significant decrease in fatalities involving large trucks. In 2003, 122 persons lost their lives in 111 crashes involving a large truck. This compares to 151 deaths in 132 crashes in 2002, a 19 percent and 16 percent reduction respectively. My thanks to everyone (law enforcement, judiciary, highway engineers, traffic safety advocates, and others) who have worked so long and hard to achieve these significant improvements in safety.

While it is certainly appropriate that we pause for a short time to savor our successes, we must remain committed and vigilant in our efforts to reduce truck related deaths on our highways. To assist you in these ef-

forts, the Motor Carrier Division, with assistance from Mr. Steve Schrier of the Office of Highway Safety Planning has completed an analysis of Michigan CMV crash data. We took a look at 2,734 crashes (fatals, injury, and property damage) that occurred in 16 counties during 2002. What follows are some of the highlights of this analysis.

- In 56 percent of these crashes it was the truck driver who was determined to be at fault.
- The most frequently cited violation, by both car and truck drivers, was speed (35 percent of crashes).
- 83 percent of crashes occurred during clear or cloudy weather, and 77 percent occurred on dry pavement.
- Nearly all crashes occur during the daytime - 40 percent between 5 am and 12 noon and 42 percent between 12 noon and 6 pm.
- Nearly all crashes occur on weekdays with Friday being highest at 19 percent and Sunday having the fewest at 3 percent.
- Fall is the worst season for crashes, spring is the safest.
- Side impact was the number one category at 32 percent, followed closely (no pun intended) by rear end collisions at 28 percent of the total.
- Road type: Freeway - 36 percent, trunklines - 30 percent, all other roadways - 34 percent.

If you are interested in looking at crash data for your jurisdiction you may now access data for crashes involving all vehicle types at the State of Michigan's crash data website. To access this website you must first obtain a password. For more information please contact Mr. Nathan Venno of the State Police Criminal Justice Information Center at 517-322-5418 or by email at [vennon@michigan.gov](mailto:vennon@michigan.gov). I have used this data tool myself and I can tell you it contains a wealth of information and is relatively easy to use.

## Use of Out of State Plates

The Michigan State Police Motor Carrier Division has discovered a rush by Michigan trucking companies to purchase trailer plates from other states to avoid paying the increase in Michigan plate fees. Michigan now charges \$300 to register a large trailer with a permanent plate, while some other states charge as little as \$15 for a multi-year plate.

State law requires Michigan residents and companies to purchase Michigan license plates. While companies with physical operations in other states are permitted to purchase plates in those states, Motor Carrier officers have discovered a number of trailers that never leave the state are being registered in other states. Some of these trailers have even failed to pay the required sales taxes.

Officers should stay alert to out-of-state trailer plates and take enforcement action on Michigan companies and drivers who are avoiding the increased fees. Vehicles owned by non-Michigan residents, even though a Michigan resident or carrier may be using the vehicle, are not subject to the Michigan plate requirement.

To legally purchase trailer plates in another state, a carrier must have an actual physical operation in that state, and accrue CMV miles in that state.

Trailers that display an out-of-state plate but appear to be based in Michigan, should be thoroughly examined to determine the legality of the trailer registration. Following are some guidelines that can be utilized in your enforcement efforts.

1. Run the trailer's VIN through SOS/NCIC. If the vehicle was previously registered in Michigan but now displays an out-of-state plate, it is possible that the owner is attempting to avoid paying the increased registration fees.
2. If the tractor is displaying a Michigan base plate (not apportioned), such as an EGVW plate or a farm plate, and the trailer is Michigan owned and/or titled, immediate enforcement action can be taken for no valid Michigan trailer registration, under MCLA 257.243/255.
3. If the tractor is displaying a Michigan apportioned plate, examine the IRP cab card to determine whether the state the trailer is plated for appears on the cab card. For example, if the trailer is plated in Maine, examine the tractor IRP cab card to see if the tractor plate is valid for Maine.
  - ◆ If the tractor IRP cab card does indicate fees paid for Maine (or whatever state the trailer is plated in), do not take enforcement action. Contact Motor Carrier Division's Investigation Unit (517-336-6572) for assistance.
  - ◆ If the tractor IRP cab card does not indicate fees paid for Maine (or whatever state the trailer is plated in), and the trailer is owned and/or titled in Michigan, then immediate enforcement action can be taken for no valid Michigan trailer registration, under MCLA 257.243/255.
4. Check other supporting documents (e.g., IFTA cab card, SSRS cab card) to determine the business address for the carrier. The company must have a presence in the state for which the vehicle is registered.
5. Interview the driver. Does the carrier have a business office in the state for which the trailer is registered? If you are able to determine that the carrier does not have a place of business in that state or the trailer is not housed in the state for which it is registered, enforcement action may be taken immediately.

**Reminder Box**

- The Motor Carrier Division has changed the look of the Medical Waiver and Grandfather cards. Both cards are now printed on hard plastic. The Medical Waiver is green in color and the Grandfather card is yellow. The back of the Medical Waiver card indicates the restrictions of the waiver.
- During last Spring's annual frost law restrictions, it became apparent that the 35 mph speed restriction was left on in some counties after the weight restrictions had been lifted. Michigan statute does not allow for such a provision. Section 257.627(6) clearly states that the 35 mph limit applies only "...during the period when reduced loadings are being enforced..."
- Bridge hits by overheight vehicles has become a serious problem. The Michigan Department of Transportation (MDOT) is asking police agencies to assist them in identifying violators. If your agency handles a bridge hit that involves a state route or an interstate freeway, please send a copy of the report to:

Theresa Montgomery  
Michigan Department of Transportation  
Maintenance Support  
6333 Old Lansing Rd.  
Lansing, MI 48917  
Phone: 517-322-3329

In addition, the Michigan Department of Transportation is requesting that you contact your local MDOT Transportation Service Center or Region office by telephone as soon as possible when a bridge is hit. The location and telephone numbers for all the MDOT offices are available at [www.michigan.gov/mdot](http://www.michigan.gov/mdot). Motor carriers or CMV owners involved in bridge hits are liable for all repair costs. MDOT does pursue reimbursement, and collected \$1.5 million for bridge hits in 2001.

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**Use of Out of State Plates, cont.**

6. Trailer leasing companies should be treated in the same manner. If the leasing company is Michigan based and has plated its vehicles in another state, determine if the leasing company has a place of business in the state in question. If they don't, appropriate enforcement action should be taken.

Additional Information on Maine Plates

- ◆ Maine statute provides for "resident agents," who can act as a go-between for non-residents to purchase plates in their state.
- ◆ Trailer registrations from Maine will contain the name and address of the owner along with the name and address of the resident agent in

Maine. The owner may use his own address or the address of the resident agent. This is a good indicator that they do not have a business office in Maine.

- ◆ The same resident agent name and address may consistently appear on registration certificates you observe during your traffic stops. This is more evidence that the carrier has illegally plated their vehicles.
- ◆ While Maine is the state most commonly used to plate Michigan based trailers, other states such as Tennessee, Virginia, Oklahoma and North Carolina are also used for such purposes.

# COMMERCIAL MOTOR VEHICLE ENFORCEMENT QUARTERLY PROGRAM SURVEY

In an effort to assess the effectiveness of the CMV Enforcement Quarterly newsletter, we are requesting that all the recipients of the newsletter complete this survey. Your comments are very valuable and will be used to assist us in providing a better newsletter in the future.

**Please return your response by July 19, 2004.** Forms may be faxed to 517-333-4414, emailed to [forddw@michigan.gov](mailto:forddw@michigan.gov), or mailed to Lt. David Ford, Michigan State Police, Motor Carrier Division, 4000 Collins Road, Lansing, MI 48909.

**Be sure to fill out the CMV Quarterly Survey right away!** We really need your input, and the **first 65 survey responses** will receive a **FREE** pocket edition of the **Federal Motor Carrier Safety Regulations!** (Include an address for us to mail it to you!)

Thank you for your participation. Circle one answer for each question.

1. Are you more confident when dealing with Commercial Motor Vehicles (CMVs) since receiving the newsletter?

VERY                  USUALLY                  SOMEWHAT                  NOT AT ALL

Please rate the various sections of the newsletter on a scale of 1 to 5, with 1 being poor and 5 being excellent:

## Section Heading

## Value of Articles/Subject Matter

2. Captain's Corner

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3. Size and Weight

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4. Inspections

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5. Vehicle Code

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6. Reminder Box

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7. Please provide any comments you may have or suggestions for future articles.

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